

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTONIO B. MUSSO,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 2036
)	
CAROLYN W. COLVIN, Commissioner of)	
Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

JAMES F. HOLDERMAN, Chief Judge:

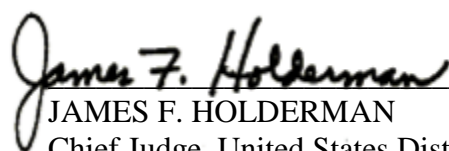
On March 15, 2013, plaintiff Antonio B. Musso (“Musso”) submitted to this court a complaint seeking review of the Commissioner of Social Security’s final decision to deny Musso’s claim for disability benefits. (Dkt. No. 1.) Along with the complaint, Musso submitted an “In Forma Pauperis Application” and supporting financial affidavit. (Dkt. No. 3.)

Requests to proceed in forma pauperis (“IFP”) are reviewed under 28 U.S.C. § 1915. To ensure that indigent litigants have meaningful access to the courts, § 1915 allows an indigent litigant to commence an action in federal court without paying the administrative costs of the lawsuit. *Denton v. Hernandez*, 504 U.S. 25, 27 (1992); *Neitzke v. Williams*, 490 U.S. 319, 324 (1988). The court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2); *see also Hutchinson v. Spink*, 126 F.3d 895, 899 (7th Cir. 1997) (recognizing the applicability of § 1915 to cases brought by non-prisoners).

According to his financial affidavit, Musso has been unemployed since 2010, and earned only \$1,811.89 that year. He receives \$250.00 per month in food stamps and has no other assets or reportable income. Musso lives with his parents, Rosario and Connie Musso, who are 82 years old and 72 years old, respectively, and who receive \$1,812.00 per month in pension and social security payments. Rosario and Connie Musso also pay \$230 per month for their \$200,000 home, and Rosario Musso pays \$275 per month for a 2011 Hyundai, in which he owns \$10,000 in equity. Antonio Musso attests that he does not know how much money his parents have in cash or bank accounts, because Rosario and Connie Musso speak Italian and “do not tell their finances to their children.” (Dkt. No. 3 ¶ 11.) This statement appears to be at odds with Antonio Musso’s specific knowledge of his parents’ monthly car payments and mortgage payments. Nevertheless, based on the sworn allegations of Musso’s financial affidavit, the court finds that Musso is indigent and unable to pay the \$350 civil filing fee in this case. Because the court, after review of the allegations, has no basis to believe that Musso’s action is frivolous, fails to state a claim, or seeks monetary relief against an immune defendant, Musso’s application for leave to proceed in forma pauperis is granted.

The Clerk of Court is directed to docket Musso’s complaint without payment of the \$350 filing fee and provide the U.S. Marshals Service with a copy of the complaint and a proper form for service on the named defendant. The Marshal is requested to serve the complaint and appropriate papers on the named defendant. The case is set for a report on status at 9:00 a.m. on 4/18/13.

ENTER:


JAMES F. HOLDERMAN
Chief Judge, United States District Court

Date: March 21, 2013